

The Honorable Tana Lin

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

PHILADELPHIA INDEMNITY INSURANCE COMPANY, a Pennsylvania corporation, as subrogee of DH&G, LLC,

Plaintiff,

V.

HEWLETT-PACKARD COMPANY,

Defendant.

Case No. 2:19-cv-00138-TL

SUPPLEMENTAL DECLARATION OF
JOHN R. MacMILLAN IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO DEFEND-
ANT'S MOTIONS IN LIMINE

I, John R. MacMillan, being duly sworn and under oath state as follows:

1. I am one of the attorneys representing Plaintiff, Philadelphia Indemnity Insurance Company as subrogee of DH&G, LLC, in this matter.

2. Attached as **Exhibit B** is a true and correct copy of an additional notice issued by Defendant in connection with recall of Lithium-ion laptop battery packs issued by defendant HP.

/ / /

///

/ / /

1 3. Many of the recall and replacement program notices issued by HP appear very similar
2 and counsel for plaintiff mistook Exhibit B as a duplicate of other notices submitted in Exhibit
3 A.

4 **I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE**
5 **BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE**
6 **FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PER-**
7 **JURY.**

8 **FURTHER YOUR AFFIANT SAYETH NAUGHT.**

9 DATED: September 26, 2023.

MacMILLAN, SCHOLZ, & MARKS, LLC

10
11 By: /s/ John R. MacMillan
12 John R. MacMillan, WSB #27912
13 MacMillan Scholz & Marks
14 900 SW Fifth Ave., #1800
15 Portland, OR 97204
16 T: (503) 224-2165
17 F: (503) 224-0348
18 E: jmacmillan@msmlegal.com
19 *Of Attorneys for Plaintiff*
20
21
22
23
24
25



United States
CONSUMER PRODUCT
SAFETY COMMISSION

HP Recalls Batteries for HP and Compaq Notebook Computers Due to Fire and Burn Hazards



HP Notebook computer battery



REPLACE WITH HP SPARE 710415-001
CT: 6D6AL07B42300C HP part number: 710415-001



Name of Product:

Lithium-ion batteries

Hazard:

The lithium-ion laptop battery packs can overheat, posing fire and burn hazards.

Remedy:

Replace

Recall Date:

June 23, 2016

Units:

About 41,000 (In addition, about 2,600 were sold in Canada and about 4,500 were sold in Mexico)

Recall Details

In Conjunction With:



Remedy:

Consumers should immediately stop using the recalled batteries, remove them from the notebook computers and contact HP for a free replacement battery.

Incidents/Injuries:

HP has received seven reports of battery packs overheating, melting or charring, including four reports of property damage of about \$4,000 total.

Sold At:

Best Buy, Wal-Mart, and Staples and authorized dealers nationwide and online at www.hp.com from March 2013 through August 2015. The batteries were sold with notebook computers for between \$300 and \$1,700. The batteries were also sold separately for between \$50 and \$90.

Importer(s):

HP Inc., of Palo Alto, Calif.

Manufactured In:

China

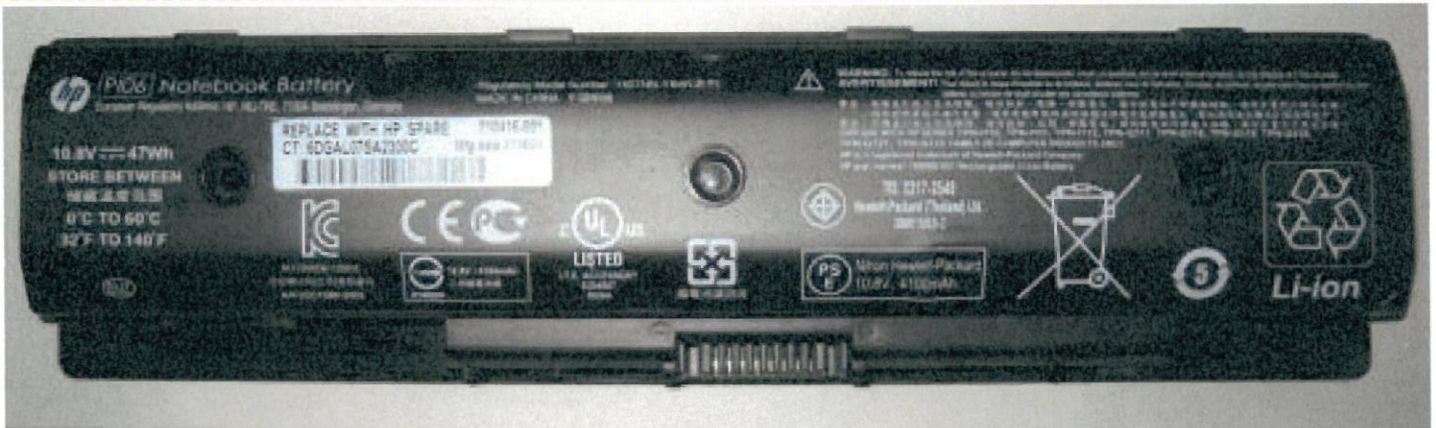
Recall number:

16-202



United States
**CONSUMER PRODUCT
SAFETY COMMISSION**

HP Expands Recall of Batteries for HP and Compaq Notebook Computers Due to Fire and Burn Hazards



HP Notebook computer battery



REPLACE WITH HP SPARE T10416-001
CT-6DGA073AT0000 Mfg Date 3/1/11



Name of Product:

Lithium-ion batteries used in HP notebook computers

Hazard:

The **lithium-ion batteries** used in notebook computers can overheat, posing fire and burn hazards.

Remedy:

Replace

Recall Date:

January 24, 2017

Units:

About 101,000 (An additional 41,000 batteries were previously recalled in June 2016. About 3,000 were sold in Canada and 4,000 in Mexico.)

Consumer

Contact

HP toll-free at 888-202-4320 from 8 a.m. to 7 p.m. CT Monday through Friday or online at www.HP.com/go/batteryprogram2016 or www.hp.com and click “Recalls” at the bottom of the page for more information.

Recall Details

In Conjunction With:



Description:

This expanded recall involves lithium-ion batteries containing Panasonic cells that are used in HP notebook computers. The batteries are compatible with HP, Compaq, HP ProBook, HP ENVY, Compaq Presario, and HP Pavilion notebook computers. HP has expanded the number of recalled batteries, which were shipped with notebook computers **sold between March 2013 and October 2016**. The black batteries measure about 8 to 10.5 inches long, 2 inches wide and about 1 inch high. The battery bar code is printed on the back of the battery. "HP Notebook Battery" and the model number are printed on the battery. The batteries included in this expanded recall have bar codes starting with: 6BZLU, 6CGFK, 6CGFQ, 6CZMB, 6DEMA, 6DEMH, 6DGAL and 6EBVA.

Remedy:

Consumers should immediately stop using the recalled batteries, remove them from the notebook computers and contact HP for a free replacement battery. Until a replacement battery is received, consumers should use the notebook computer by plugging it into AC power only.

Batteries previously identified as not affected by the June 2016 [recall](#) could be included in this expanded announcement. Consumers are urged to recheck their batteries.

Incidents/Injuries:

HP has received one additional report of the battery overheating, melting and charring and causing about \$1,000 in property damage

Sold At:

Best Buy, Walmart, Costco, Sam's Club and authorized dealers nationwide and online at www.hp.com and other websites from March 2013 through October 2016 for between \$300 and \$1,700. The batteries were also sold separately for between \$50 and \$90.

Importer(s):

HP Inc., of Palo Alto, Calif.

Manufactured In:

China

Recall number:

17-071

Fast Track

Recall

Note: Individual Commissioners may have statements related to this topic. Please visit www.cpsc.gov/commissioners to search for statements related to this or other topics.

Recall Complaint

If you are experiencing issues with a recall remedy or believe a company is being non-responsive to your remedy request, please use this form and explain the situation to CPSC.

CERTIFICATE OF SERVICE

I, John R. MacMillan, certify under penalty of perjury under the laws of the United States that, on the date set forth below, I caused the foregoing document to be served by the method(s) indicated below on the parties listed below:

Christopher G. Betke
Coughlin ◦ Betke LLP
175 Federal Street
Boston, MA 02110
Of Attorneys for Defendant

☐ Via Hand Delivery
☐ Via US Mail, Postage Prepaid, First Class
☐ Via Facsimile
☒ Via CM/ECF
☒ Via E-Mail: cbetke@coughlinbetke.com

Kenneth M. Roessler
Mix Sanders Thompson, PLLC
1420 Fifth Avenue, Suite 2200
Seattle, WA 98101
Of Attorneys for Defendant

☐ Via Hand Delivery
☐ Via US Mail, Postage Prepaid, First Class
☐ Via Facsimile
☒ Via CM/ECF
☒ Via E-Mail: ken@mixsanders.com

DATED: September 26, 2023.

/s/ John R. MacMillan

John R. MacMillan, WSBA #27912
Of Attorneys for Plaintiff